HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17655 2002

Dated:16.11.2006

Between

Large Size Co-Operative Credit Society,
Kurnool, reptd by its President
B.Nagi Reddy

.....
PETITIONER

And

The Govt. of A.P. reptd by its
Secretary, Co-Operation Department,
Secretariat, Hyderabad and
three others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17655 OF 2002

ORDER:

This writ petition is filed questioning the proceedings issued by the third respondent in Rc.No.2874/95-C dated 22.08.2002.

It appears that the fourth respondent was the Secretary of the petitioner-Society. While so, he was suspended from service in view of certain irregularities committed by him. Further, it appears that during the pendency of enquiry against him, the third respondent passed orders on 21.05.1997 and 17.06.1997 directing reinstatement of the fourth respondent into service. However, after conducting a detailed enquiry, he was removed from service by an order dated 21.08.1998 and the same has attained finality. However, the orders dated 21.05.1997 and 17.06.1997 passed by the third respondent directing reinstatement of the fourth respondent into service were the subject matter of a writ petition before this Court vide W.P.No.16101 of 1997. In view of the fact that the fourth respondent was removed from service by an order dated, 21.08.1998, Writ Petition No.16101 of 1997 had become infructuous and therefore, the same was dismissed as infructuous on 23.07.2002. Thereafter, it seems that the third respondent has issued the present impugned proceedings construing that the Writ Petition No.16101 of 1997 was dismissed as infructuous on 23.07.2002 and therefore, the orders passed by him on 21.05.1997 and 17.06.1997 stand revived. Aggrieved by the same, the petitioner-Society has filed the present writ petition.

A detailed counter-affidavit has been filed by the

third respondent, wherein it is stated that subsequent to the dismissal of Writ Petition No.16101 of 1997 on 23.07.2002, he issued the impugned proceedings on the ground that Writ Petition No.16101 of 1997 was dismissed as infructuous. It is further stated that the impugned proceedings were issued under the impression that as the said writ petition was dismissed as infructuous, the orders passed by him on 21.05.1997 and 17.06.1997 have been revived.

However, it is to be noted that the petitioner-society has dismissed the fourth respondent from service on 21.08.1998 and informed the same to the third respondent's office on 03.09.1998. It was only under a mistaken impression the impugned proceedings were issued by the third respondent. But, in view of the fact that the fourth respondent was dismissed from service on 21.08.1998, the impugned proceedings has no consequences. In view of the same, the impugned proceedings are liable to be set aside.

Accordingly, the writ petition is allowed and the impugned proceedings are set aside. No order as to costs.

(C.V.RAMULU, J)

16.11.2006
DR